IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 2783 of 1998

Between:

M.Narasimha Ranga Charys, s/o. Ramanuja Charya,
O/O. Aided Arya Vysya High School ,Pinnawari Street,
Warangal Dist.

..... PETITIONER

AND

1 The Correspondent/Secretary,Arya Vysya High School(Adided) Pinnawari street,
Warangal Dist.
2 The Dist.Educational Officer,Warangal,
Warangal Dist.
3 The Regional Joint Director of School Education, Warangal District.
4 The Director of School Education ,A.P.Hyderabad.
5 The Secretary to Govt. Edn.Department,
A.P.Secretariat, Hyderabad.
6 P.Kotilingam, S/o. Venkataiah,
Aided Arya Vysya High School ,Pinnawari Street, Warangal dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of Mandamus declaring that the petitioner is entitled for promotion to the post of Head Master as per seniority in Respondent No.1 Aided institution by holding the action of the respondents in not treating the pandit training qualification is equivalent to B.Ed. and further direct the

respondent to promote the petitioner as Head master and considering the claim of the Jr. is as illegal, arbitrary and contrary to the statutory rules besides violative of Art.14&16 of Constitution of India.

Counsel for the Petitioner:MR.CH.JAGANNADHA RAO

Counsel for the Respondent No.1:V.Ajay Kumar

Counsel for respondent Nos.2 to 5: G.P. for School Education.

Counsel for respondent No.6: None appeared.

The Court made the following :

O R D E R:

This writ petition is filed seeking a writ of Mandamus declaring that the petitioner is entitled for promotion to the post of Head-master as per seniority in the 1st respondent aided institution by holding that the action of respondent authorities in not treating the Pandit Training qualification as equivalent to B.Ed., as illegal and arbitrary and further to direct the authorities to promote the petitioner as Head-master in the 1st respondent institution.

It is the case of the petitioner that he has passed B.O.L. (Graduation), M.O.L. and Telugu Pandit Training. After the completion of selection process, he was appointed as Grade-I Telugu Pandit with effect from 29.09.1969 in the 1st respondent School. While he was working as such, he passed Simple Orientation Test (SOT) during September 1990. He also passed Ph.D in Telugu in the year 1993. Thus, he is fully eligible and qualified for promotion to the post of Head-master in the 1st respondent aided institution. After the completion of 15 & 22 years of service in the cadre of Grade-I Telugu Pandit, he was awarded with special promotion Scales I & II with effect from 13.02.1986 and 26.04.1994 As per the Andhra Pradesh School Education Subordinate Service Rules issued in G.O.Ms.No.40 Edn., dated 07.02.1992, the post of Head-master of Secondary School is included under Class-B, category II. The post of Head-master has to be filled up by way of promotion as per seniority among the feeder categories mentioned in the said Rules. The posts of Language Pandits including Hindi Pandit and Mushies Grade-I were also included in the feeder categories. The petitioner being the senior most Teacher in the 1st respondent institution, is eligible for promotion to the post of Head-master. However, on one pretext or the other, the respondents are not considering the genuine claim of the petitioner for promotion as Headmaster on the sole ground that the qualification of Telugu Pandit Training is not equivalent to B.Ed. G.O.Ms.No.40, dated 07.02.1992 categorically states that for the post of Headmaster, one must possess Bachelor's Degree in any subject and a B.Ed. Degree from a University in India or

any other equivalent qualification and must have passed the Deputy Inspector's Test and he shall also possess the qualification equivalent to B.Ed., Degree i.e., Telugu Pandit Training and also pass S.O.T. in lieu of departmental tests. Though the petitioner was fully eligible and qualified and being the senior most Teacher in the 1st respondent institution, the respondents are not considering the claim of the petitioner for promotion to the post of Headmaster. On the contrary, the 6th respondent who is junior to the petitioner was promoted only on the ground that he has B.Ed. Degree. In G.O.Ms.No.90, dated 06.02.1994 it was held that the Senior Hindi Pandit Training is equivalent to B.Ed. Apart from that, the letter No.3641/D2/60, dated 23.12.1960 addressed by the Deputy Secretary to Government to the President of Pandit Parishath, and, Government Memo No.1823/32/83-2 Edn., dated 12.08.1983 show that the qualification of Telugu Pandit Training was treated as equivalent to B.Ed.

A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioner. It is categorically asserted that Telugu Pandit Training was not equated to that of holding of B.Ed., for the purpose of promotion to the post of Headmaster. G.O.Ms.No.90, dated 06.02.1994 has no relevance for the purpose of considering the case of the petitioner for the post of Headmaster by treating the qualification of Telugu Pandit Training as equivalent to that of B.Ed.

The learned counsel for the petitioner submitted that G.O.Ms.Nio.90, dated 06.02.1974, as well as letter, dated 23.12.1960 show that Grade-I Pandit Training should be treated as graduate and if he satisfies the other qualifications, he need not pssess B.Ed. Degree. As the petitioner is a better trained Pandit, his case may be considered for the post of Headmastership. It is the case of the petitioner that as he is the senior most Telugu Pandit teacher in the 1st respondent institution, he is entitled to be promoted as Headmaster by treating Telugu Pandit Training equal to that of Grade-I Hindi Pandits in the Secondary Schools in the State basing on

G.O.Ms.No.90, Education, dated 06.02.1994. But that does not mean that a person who is holding Telugu Pandit Training Certificate or Hindi Pandit Training Certificate, can be equated to that of a person possessing B.Ed., Degree as such. The learned counsel for the petitioner was not able to show that the common instructions issued by the Government are invalid and that the Telugu Pandit Training is equivalent to that of B.Ed., Degree for the purpose of considering the case of Telugu Pandit Teacher for promotion to the post of Headmaster in that particular institution. The learned counsel for the petitioner placed heavy reliance on the judgment of the Andhra Pradesh Administrative Tribunal, Hyderabad, by virtue of which, an amendment was carried out even taking away the Telugu Pandit Training as equivalent to that of B.Ed., for other purposes also. In the absence of any rule or valid instructions, it cannot be said that the petitioner is entitled for being promoted to the post of Headmaster equating the Telugu Pandit Training to that of holding B.Ed., Degree for the purpose of promotion to the post of Headmaster in the 1st respondent institution.

The writ petition fails and it is accordingly dismissed. No costs.

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C.V.RAMULU.J.,

Dt.08.06.2005

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To

1) 2 CD copies

2) 1 CC to MR.JAGANNADHA RAO

3) 1 CC to MR.AJAYAKUMAR

4) 2 C.Cs to the G.P. for School Education, High Court of A.P., Hyderabad. (OUT)

5) The District Educational Officer, Warangal, Warangal District.

6) The Regional Joint Director of School Education, Warangal District.

7) The Director of School Education, A.P., Hyderabad.

8) The Secretary to Government, Education Department, A.P. Secretariat, Hyderabad.